

REMARKS

In the Office Action of March 17, 2006, claims 24, 35, 37, 40, 52, 59, 66 and 80 were objected to as containing recitations of insufficient antecedent basis and/or errors in the claimed language. These claims have been carefully reviewed and amendments have been made to provide sufficient antecedent basis and to correct errors. Accordingly, it is believed that these claims are now in condition for allowance. If there are additional informalities in these claims, the Examiner is respectfully requested to telephone the undersigned and/or be more specific with respect to the objections.

Claim 64 was objected to as being a substantial duplicate of claim 52. Claim 64 has been cancelled pursuant to the above amendments.

Dependent claim 40 was rejected under § 112 as being dependent upon a cancelled claim. Claim 40 has been cancelled pursuant to the above amendments.

Various claims were also provisionally rejected on the ground of non-statutory obviousness-type double patenting over co-pending Application No. 10/356,735. A Terminal Disclaimer over any patent issuing from co-pending Application No. 10/356,735 is submitted herewith. It is submitted that such Terminal Disclaimer overcomes the double patenting rejection. Reconsideration is respectfully requested.

Claims 1-3, 5, 7 and 16 were rejected under § 102(b) as being anticipated by Chalifoux Patent No. 5,458,488. The Examiner's position is that Chalifoux discloses all elements of independent claim 1 and thus anticipates claim 1 under § 102. Applicants respectfully disagree. Accordingly, reconsideration is respectfully requested in view of the above amendments to the claims and the following comments.

Chalifoux is directed to a dental implant and post construction which includes a dental implant and a post (or abutment) designed for permanent connection to the implant for supporting a dental prosthesis. In direct contrast, independent claim 1 is directed to the combination of a dental implant and an impression cap (not a post or abutment). As is evident from the disclosure of the present application and as clearly understood by those skilled in the art, there is a clear difference between a dental post or abutment and an impression cap. Accordingly, Chalifoux fails to anticipate independent claim 1 under § 102. To clarify and further distinguish the combination of claim 1 from Chalifoux, claim 1 has been amended to

require the impression cap to be “selectively connectable to and disconnectable from said dental implant for taking an impression”. This is an essential characteristic of an impression cap and a characteristic which is not part of a dental post or abutment generally and clearly is not part of the dental post disclosed in Chalifoux. A dental post or abutment such as that disclosed in Chalifoux is clearly not designed for selective connection to or disconnection from the implant, nor is it capable of such selective connection and disconnection. Once installed, the post or implant of Chalifoux is intended to be fixed to the implant. Accordingly, claim 1 as amended is not anticipated by Chalifoux under § 102.

Independent claim 1 as amended is also not obvious to a person skilled in the art in view of Chalifoux. For many of the same reasons discussed above, a person skilled in the art looking to provide an improved interaction or connection between an impression cap and an implant to provide selective connectability or disconnectability between an impression cap and an implant would not look to the field of connections between a dental post or abutment and an implant. Dental post (or abutment) and implant connections are permanent connections, and designed and intended to be permanent connections. Thus, they are not selectively connectable to and disconnectable from the implant.

Further, there is absolutely no motivation in Chalifoux to somehow use the same structure for use with an impression cap. The objectives of the Chalifoux connection are completely different than those of an impression cap such as that of the present invention. In Chalifoux, the objective is to connect the dental post or abutment to the implant in a manner which provides maximum connectability, maximum stability in all directions and also maximum sealability between the collar of the post and the implant. None of these objectives is applicable to an impression cap generally or the specific impression cap of the present invention. An impression cap is designed for temporary connection to a portion of the implant so that an impression material can be placed around the impression cap and cured. After curing, the impression cap together with the cured impression material is removed from the implant for further processing.

For these reasons and others, it would simply not have been obvious to one skilled in the art to utilize the teachings of Chalifoux to design an impression cap.

The rejected dependent claims, including dependent claim 18, include all of the limitations of claim 1 amended and are thus patentable for the same reasons. In addition, new

independent claim 90 requires a portion of the internal side wall to extend past the outermost diameter portion of the circumferential collar when the impression cap and the dental implant are in set press fit connection. Not only is this not disclosed in Chalifoux, such a structure would be contrary to and inconsistent with the teachings and objectives of the structure in Chalifoux. One important feature of Chalifoux is the close connection between the inner surface 60 (Figures 3-5) of the post 48 and the outer surface 62 of the implant 45. This relationship requires the surfaces 60 and 62 to be close engagement throughout to prevent any microorganisms, bacteria, etc. from areas between the surfaces. Thus, a requirement that the internal side wall actually extend past the outermost diameter portion would defeat the objectives of Chalifoux.

New dependent claim 91 requires the impression cap to be selectively connectable to the dental implant "solely by said press fit connection". This further clearly distinguishes from Chalifoux which requires the central stem portion 86 to be inserted into the internal portion of the implant (in certain embodiments) or for the post to be further connected by a threaded mechanism to the implant as shown in the embodiments of Figures 1 and 2.

New dependent claims 92, 93 and 94 all require the combination to further include an implant with an abutment. If the device of Chalifoux is considered to be the abutment, then Chalifoux clearly fails to disclose an impression cap.

For all of the above reasons and specifically in view of the amendments to the claims, the discussion of the Chalifoux reference, the differences between Chalifoux and the claims, it is submitted that all of the claims are now in condition for allowance and such action is respectfully requested. If the Examiner has any questions or believes that a telephone conference would expedite prosecution of this application, she is respectfully requested to telephone the undersigned.

Respectfully submitted,

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